

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

FILED
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U.S. DISTRICT COURT
N.D. OF ALABAMA

CARROL JOE DRISKELL,

Plaintiff,

vs.

DIRECTOR OF RESEARCH,
MONITORING AND EVALUATION, et al.,

Defendants.

CV 02-H-1408-NE

ENTERED
SEP - 5 2002

MEMORANDUM OF DECISION

The magistrate judge filed a report and recommendation on August 13, 2002, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on August 27, 2002.

Plaintiff objects to the court's reliance on *Sandin v. Conner*, 515 U.S. 472 (1995) on the grounds that the facts of his case are not the same as the facts in *Sandin*. While the facts of *Sandin* are not the same as plaintiff's, the rule of law, as set out in *Sandin*, is applicable to plaintiff's case and his objections are without merit. Plaintiff refers the court to numerous cases to support his claims that he was unconstitutionally deprived of his constitutional rights. However, all of the cases cited by plaintiff were decided prior to the Supreme Court's *Sandin* decision or on other grounds, and are therefore, inapplicable.

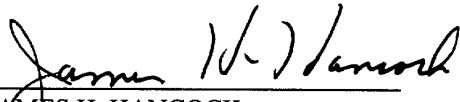
Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is

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ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b).

A Final Judgment will be entered.

DATED this 5th day of September, 2002.



JAMES H. HANCOCK
SENIOR UNITED STATES DISTRICT JUDGE